

Commissioner for Patents  
March 16, 2005  
Page 6 of 10

Serial No. 10/734,888  
Art Unit: 3617 Examiner: Andrew D. Wright  
Atty Docket: AMG.4011.PAT

AMENDMENT TO THE DRAWINGS

Applicant respectfully requests that FIG. 1 be replaced with the attached replacement drawing for FIG. 1. The replacement FIG. 1 does not add new matter but simply adds the words "PRIOR ART" in response to a corresponding comment in the "Drawings" section of the "DETAILED ACTION" in the Office action.

Commissioner for Patents  
March 16, 2005  
Page 7 of 10

Serial No. 10/734,888  
Art Unit: 3617 Examiner: Andrew D. Wright  
Atty Docket: AMG.4011.PAT

### REMARKS

Claims 1-4, 8-10, and 17-42 are pending, claims 10, 23, and 39 are objected to but allowable subject matter, and claims 1-4, 8, 9, 17-22, 24-38, and 40-42 stand rejected. Applicant appreciates the recognition of the allowable subject matter of claims 10, 23, and 39 and has amended the application accordingly to place the application in a condition for allowance.

In particular, Applicant has added the limitations of claim 10 into independent claim 8, added the limitations of claims 22 and 23 into independent claim 17, and added the limitations of claims 38 and 39 into independent claim 33 according to the dependencies as stated in the Office action. In addition, Applicant has corrected remaining antecedent basis issues related to these claims and their corresponding dependents. Applicant has also cancelled rejected claims 1-4, 10, 22-23, 25-32, 38-39, and 42 to simply place the application in condition for allowance. However, Applicant reserves the right to resubmit these claims or substantially similar claims in a subsequent application, one of which is being filed concurrently with the filing of this response.

With the amended independent claims 8, 17, and 33 being in condition for allowance, the claims that depend upon claims 8, 17, and 23 should also be allowable upon addressing all objections since they incorporate the allowable subject matter of the independent claims by reference. Thus, in light of the amendments below to correct objections to claims 9, 18-21, 24, 34-37, and 40-41, which depend upon independent claims 8, 17, and 23, Applicant believes that these dependent claims are also in condition for allowance.

#### Drawing objections

Applicant appreciates the acceptance in the Office action, in point 1, of the proposed changes to the drawings that Applicant requested in the previous response.

In regards to figure 1, the Office action states that the words "Prior Art" be added as a legend and that the drawing be submitted with the change as a replacement sheet. Applicant has made this change and submitted the modified replacement drawing herewith. Thus, Applicant respectfully requests that the objection be withdrawn.

In regards to the objection to the drawings as failing to show every feature of the claimed invention specified in the claims under 37 CFR 1.83(a), the Office action states that the drawings

Commissioner for Patents  
March 16, 2005  
Page 8 of 10

Serial No. 10/734,888  
Art Unit: 3617 Examiner: Andrew D. Wright  
Atty Docket: AMG.4011.PAT

do not show the front edge of the plate raised out of the body of water (claim 27) and that the drawings do not show the plate incorporated with a bait tank, swim platform, ladder, or motor mount as described in claim 42. Applicant respectfully requests that both these claims be cancelled as described in the amendments to the claims above so the application is in condition for allowance. However, Applicant also respectfully reserves the right to traverse these arguments in preliminary remarks for a continuation application being filed concurrently with this response.

#### Claim objections

In regards to the objection to claims 1 and 2 for informalities, Applicant respectfully requests in the amendments above that claims 1 and 2 be cancelled. Applicant believes that this satisfies the objection and requests that the objection be withdrawn.

Further, the Office action states that in claims 9 and 10, the word "the" or "said" be placed in front of the second occurrence of "non-rigid joints". Applicant has requested in the amendments that the limitations of claim 10 be added to claim 8 and in that amendment, Applicant added the word "the" in front of the second occurrence of "non-rigid joints". With respect to claim 9, Applicant has amended the first occurrence of "non-rigid joints" be proceeded by "other" and that the second occurrence be proceeded by "the other" to clarify claim 9 and respond to the objection. Thus, Applicant respectfully requests that the objections to claims 9 and 10 be withdrawn.

With regards to claims 22 and 23, the Office action objects to the comma between "curved" and "wake control plate" and that in claim 23, the word "the" in front of "curved, wake control plate" lacks antecedent basis because claim 23 depends directly upon independent claim 17. Applicant amended the limitations of claims 22 and 23 to remove the comma and added the limitations of both 22 and 23 to independent claim 17 in that order to respond the objections and to place the application in condition for allowance. Thus, Applicant respectfully requests that the objection be withdrawn.

With regards to claim 36, the Office action states that there is insufficient antecedent basis for "the first arm". The amendments above to claim 36 modifies the dependency of claim 36 to depend upon claim 35, which includes "a first arm" and added the words "of the one or

Commissioner for Patents  
March 16, 2005  
Page 9 of 10

Serial No. 10/734,888  
Art Unit: 3617 Examiner: Andrew D. Wright  
Atty Docket: AMG.4011.PAT

more arms" after "the first arm" to address this objection. Applicant believes that this satisfies the objection and respectfully requests that the objection be withdrawn.

#### Claim rejections under 35 USC § 112

The Office Action states that claim 42 is rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Applicant believes that the rejection no longer applies because claim 42 has been cancelled and respectfully requests that the rejection be withdrawn. However, Applicant also respectfully reserves the right to traverse this rejection in preliminary remarks for a continuation application being filed concurrently with this response.

#### Claim rejections under 35 USC § 102

Claims 1-4, 8, 17, 19, 21, 33, 34, 35, 37, and 41 stand rejected under 35 USC § 102(b) as being anticipated by Finkl (US 5,315,951). Claims 1-3, 17, 19, 21, 24, 33 and 34 stand rejected under 35 USC § 102(b) as being anticipated by Bue (US 3,391,667). Claims 1-3, 8, 17, 18, 33, 35, 36, 37, and 41 stand rejected under 35 USC § 102(b) as being anticipated by O'Donnell (US 4,967,682). And, claims 1-3, 8, 17, 19, 21, 22, 33, 35, 37, 38, and 42 stand rejected under 35 USC § 102(b) as being anticipated by Castillo (US 5,860,384). In response, Applicant amended claims 8, 17, and 33 to add the allowable subject matter of claim 10 into claim 8, of claims 22 and 23 into claim 17, and of claims 38 and 39 into claim 33. Because claims 10, 23, and 39 are designated allowable subject matter, and the objections have been addressed, Applicant believes independent claims 8, 17, and 33 along with the claims dependent thereon are in condition for allowance. And the remaining claims have been cancelled via the claim amendments above. Thus, Applicant respectfully requests that the rejections of these claims be withdrawn and the application be advanced toward issuance. However, Applicant also respectfully reserves the right to traverse this rejection in preliminary remarks for a continuation application being filed concurrently with this response.

#### Claim rejections under 35 USC § 103(a)

Claims 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell (US 4,967,682). Claims 25-32 were cancelled to place the application in condition for allowance. Thus, Applicant respectfully requests that the rejections of these claims be

Commissioner for Patents  
March 16, 2005  
Page 10 of 10

Serial No. 10/734,888  
Art Unit: 3617 Examiner: Andrew D. Wright  
Atty Docket: AMG.4011.PAT

withdrawn and the application be advanced toward issuance. However, Applicant also respectfully reserves the right to traverse this rejection in preliminary remarks for a continuation application being filed concurrently with this response.

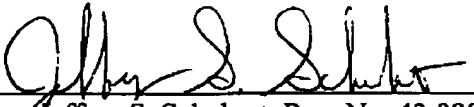
### CONCLUSION

In the present response, Applicant appreciates recognition of the patentable subject matter described by claims 10, 23, and 39 and has amended the corresponding independent claims 8, 17, and 33 accordingly. Applicant has also addressed objections for claims that have not been cancelled, addressed additional discrepancies in the remaining claims, corrected figure 1, and cancelled the rejected matter, while reserving the right to address the objections and rejections in a subsequent application. Thus, Applicant believes the pending claims are allowable and respectfully requests that the application to advance toward issuance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at (512) 288-6635.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 50-3295 for any such required fee.

Respectfully submitted,

Date: March 16, 2005

By:   
Jeffrey S. Schubert, Reg. No. 43,098  
Customer No. 38518  
Schubert Osterrieder & Nickelson PLLC  
6013 Cannon Mtn. Dr., S14  
Austin, Texas 78749  
Tel. (512) 692-7297  
Fax (512) 301-7301  
ATTORNEY FOR APPLICANT